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LAW AND THE POLITICS OF INCLUSION: WOMEN'S EXPERIENCES IN ANTIGUA

Mindie Lazarus-Black

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LAW AND THE POLITICS OF INCLUSION: WOMEN'S EXPERIENCES IN ANTIGUA

What happens when people who are socially, economically, and politically subordinate struggle to gain access to the very institutions that oppress their daily lives? This paper considers the meaning and consequences of being included in law for people either previously denied or granted only limited access to courts. I draw upon two examples, one historical and one ethnographic, to demonstrate the complexities and contradictions that characterize a process I refer to as the "politics of inclusion."[1]

By "politics of inclusion" I mean the process in which subordinated peoples exert or claim rights using opportunities for resistance afforded them by an institution which simultaneously contributes to their everyday oppression. Studying the politics of inclusion entails investigating people's access to institutions and organizations such as courts, political parties, government bureaucracies, religious offices, or clubs with exclusionary rules. It directs our attention to the making and maintenance of hegemonic structures of domination, and to forms and consequences of individual and collective resistance.

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[1] The historical and ethnographic examples I use in this working paper are drawn from previously published work, as the central argument was drafted during my Fulbright Visiting Lectureship, Department of Behavioral Sciences, The University of the West Indies, St. Augustine, Trinidad, Fall, 1997, and I did not have access to my Antiguan field notes. I am certain, however, that other historical examples and litigants' stories would support my discussion. The description of slaves' participation in formal colonial tribunals appears in "Slaves, Masters, and Magistrates: Law and the Politics of Resistance in the British Caribbean, 1736-1834," in Contested States: Law, Hegemony and Resistance, Mindie Lazarus-Black and Susan F. Hirsch, eds. New York: Routledge. 1994. Pp. 252-281. The ethnographic example is analyzed in "The Rites of Domination: Practice, Process, and Structure in Lower Courts." American Ethnologist. 1997. 24(3):628-651. I thank the Centre for Gender & Development Studies and the Women and Development Studies Group for inviting me to present the seminar, on October 22, 1997, and for assistance in preparing the paper for this series.

The historical record contains numerous examples of peoples' entanglement in the politics of inclusion. Jonathan Glassman has argued, for example: "...slave resistance...often took the form of struggle for fuller rights of social inclusion, or for fuller access to local community institutions" (1991:284). My first case study lends support to this claim. I demonstrate that in the period before abolition slaves in the English-speaking Caribbean actively participated in at least three legal arenas, including formal colonial tribunals, to secure rights, to promote justice, and to punish persons guilty of offensive behavior. In making this claim, I am challenging an old but persistent argument in Caribbean studies that holds that issues of law and justice remained within the province of elites and that the few legal rights slaves had had little impact upon their daily lives (e.g. Goveia 1965, 1970; M. Smith 1967; Patterson 1967; Lewis 1983; Gaspar 1985; Morrissey 1989; Bush 1990). I found instead that courts, cases, and a well-developed sense of crime and justice were salient to the internal politics of slave communities and to slave resistance.[2] Importantly, too, the legal records provide evidence of women's individual and collective strategies to protest the adverse conditions of their lives. Thus slave women played a critical role in the politics of inclusion.

My second case study is drawn from my more recent ethnographic research in Antiguan magistrate's courts. It gives us a contemporary example of the processes, and symbolic and practical consequences, involved in the politics of inclusion. I describe the case of Bertice and Roger Jameson,[3] which illustrates who uses the courts today and for what purposes, and

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[2] "By 'resistance' I mean an individual or group effort--linguistic, bodily, or pragmatic--towards empowerment of self or the collectivity and against words or actions interpreted by the actor (s) as 'domination.' 'Domination,' following Weber, implies a situation in which the will of the actor or actors is meant to influence the conduct of one or more others and actually does influence it (cf. Weber 1978 2:946). I intentionally define both terms broadly to allow 'resistance' and 'domination' to take culturally and historically specific forms and meanings" (Lazarus-Black 1994b:269).

[3] These are fictitious names, and I have altered minor facts of the case to preserve the anonymity of the parties, their lawyers, and the magistrate. I refer to the magistrate as "she" because in 1994 there were two female magistrates and one male magistrate.

demonstrates vividly the successes and limitations of being included in law. As I demonstrate, Bertice Jameson accomplished some, but not all, of the reasons for which she brought her estranged husband to court. What she could accomplish, and what she could not, were consequences of enduring structural relations and consistent patterns of behavior at the courthouse. In this respect, Bertice Jameson's case is similar to those brought many years ago by slave women.

My first example of the politics of inclusion is based on historical and legal sources from the Leeward Islands[4] and Jamaica. Each of the British West Indian colonies, of course, has a unique history, but they shared a number of economic, social, and political features. By the end of the eighteenth century, Jamaica and the Leewards were characterized by fully developed plantation economies in which slaves produced sugar for export. The slave/free ratio in Jamaica was then almost ten to one; it was eighteen to one in Antigua (Brathwaite 1971:151,152).

The first slave laws in Jamaica and the Leewards were mainly police codes, expressing the colonists' fears that their "property" might revolt at any time. Later statutes formalized regulations to prevent slaves from acquiring property or doing away with that of their masters (Goveia 1965:32).

But precedent for slave participation in colonial courts was established early; as early as 1702 in Antigua. In that law, slaves accused of minor offenses were tried before a justice of the peace. They faced a public whipping if they were found guilty. Those accused of "heinous crimes" were tried by two justices and punished at their discretion. Slave testimony against free persons was not permitted, but the law left it to the justices' own consciences to decide if other slave evidence should be heard (Gaspar 1985:150). After 1784, a jury of six persons tried slaves accused of criminal acts (Goveia 1965:63). By 1798, a person accused of causing the death of a slave was

[4] I have consulted statutory and historical records from Antigua and Barbuda, Montserrat, Nevis, and St. Kitts.

tried for homicide. Magistrates of Antigua 1804-1817:257-261). Jamaican slave laws followed a pattern similar to that developed earlier in Antigua.

Because these Amelioration Acts lacked effective enforcement clauses and did not permit slave testimony against whites, Caribbeanists have argued that the legal entitlements granted to slaves were mostly shams. M.G. Smith's argument that structural realities "made fiction of the law" (1965:97) is still advanced 25 years later.[5] I am not suggesting the point is erroneous, but that it is incomplete. I find instead that West Indian slaves participated in at least three kinds of courts: 1) those convened by the slaves themselves and in which masters played no part; 2) estate courts run by planters or their appointed hands; and 3) formal colonial tribunals. These three courts differed in personnel, in procedures used to determine guilt or innocence, in how crime was defined, and in the ways that judges responded to gender conventions. In other words, slaves used alternative forums when they needed to contend with legalities among themselves and when they dealt with free workers and their own masters.

We know least about the courts that slaves convened among themselves. White observers related that they were presided over by respected members of the slave community. Eyewitnesses contended: "...it is not surprising to find extralegal or illegal tribunals set up...in which the highest-ranking slaves adjudicated, advocacy being prominently by gift, and decisions, however unfair, being necessarily accepted" (M. Smith 1965:105). From another source we learn: "The headmen elect themselves into a sort of bench of Justice, which sits and decides privately, and without the knowledge of the whites, on all disputes and complaints of their fellow slaves" (in Forsythe 1975:21).

Just after emancipation, an Antiguan historian wrote about another kind of trial among the freedmen, trial by ordeal. Flannagan explained:

> ...they procure some of the leaves of...a certain flower...and lay them in a heap...with a

[5] See Lazarus-Black 1994a:39-54 and Lazarus-Black 1994b:273 for further discussion

> copper coin...in the middle...They raise it to the neck of the suspected person...[and] the accused is then to say..."Doodle doo, doodle doo, if me tief...me wish me tongue roll out of me mouth." If nothing takes place, the person is innocent, and the charm is tried upon another, until the guilty one's turn comes, when immediately their tongue hangs out of their mouth (1967:2:55).

In short, problems involving social justice sometimes proceeded through formal channels of the slaves' own making.

A second type of court involved planter-judges who settled disputes between slaves and between slaves and free workers. Evidence from Jamaica and St. Vincent suggests complaints to estate managers were most likely to come from domestic workers (M. Smith 1965:105). Although there were masters who were not inclined to hear slave testimony, enough of them listened to conclude that bondsmen had distinct ideas about crime. Here is Phillippo's tale of a Jamaican slave accused of stealing sugar from his master:

> 'As sugar belongs to massa, and myself belongs to massa, its all the same thing. That makes me tell master me don't tief; me only take it!' 'What do you call thieving, then?' "When me break into brother's house...and take away him thing, then me tief...' (Mintz and Price 1976:20).

This is "crime" as cultural construction mediated by class relationships. It was common in all the islands and in the United States.

The third type of court used by Caribbean slaves was created in law. The earliest examples I have uncovered thus far come from Jamaica and date from the 1770s. Exemplifying the contradiction of a state which made persons into commodities, but then defended them against crime, the slave plaintiffs become "Rex" (under king's protection) in the law reports. Here is an excerpt:

> Rex v. Fell...February 1777. "This is a remarkable case of an indictment against a white man, for beating a Negro slave, and for taking from him a piece of meat...it was

> questioned, Whether an indictment could lie in the case of a slave? The affirmative was satisfactorily established. Fell was convicted; and though a refractory turbulent man, on account of his poverty, fined only L. 20" (Catterall 1968:351).

What is most remarkable about this and some similar cases is that it was becoming part of the legal consciousness[6] of the times to know that "Rex" could take free men to court for crimes against slaves.

A record of slave complaints from Basseterre, St. Kitts (1822) gives us one last example of slaves' participation in formal legal arenas, and of the character of the politics of inclusion in which they were engaged. It provides summaries of nineteen cases brought to justices of the peace. The slaves complained about insufficient food, excessive punishments, assignment to unmanageable tasks, and being forced to work on an overseer's personal estate (Great Britain, Commission of Inquiry, 1826 vol. 3:236-240). In six cases, one or more of the slaves went home after a sound lashing. In eight other actions, however, most of them involving insufficient provisions, the justices found the complaints were just and decided in favor of the slaves.

The St. Kitts' record reveals for us several characteristics of the politics of inclusion in the period just prior to emancipation. First, it demonstrates clearly that slaves took advantage of formal judicial procedures to protest the behavior of masters. They knew their rights and argued for them at court.

Second, there are differences in the ways that slaves, as opposed to free persons, used courts. For example, more than half of these cases were brought by the slaves in groups. Perhaps they

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[6] Merry defines "legal consciousness" as "the way people understand and use law....Legal consciousness is expressed by the act of going to court as well as by talk about rights and entitlements" (1990:5). The "courts" to which I refer in this paper were not all "legitimated" by the state. Nevertheless, they were vital in the evolution of legal consciousness in the Caribbean because they were specifically concerned with problems of rights and entitlements, order and disorder, and crime and punishment.

sought safety in numbers, but in any case the decision to prosecute a master was often an act of consensus, not an isolated decision by a disgruntled person. Slaves were not full legal individuals but they were legally a class and in this sense they acted as culturally constituted. Slave court cases were like slave rebellions in the sense that they too were forms of collective resistance.

Third, the majority of the complaints were voiced by women. This was not peculiar to St. Kitts because records from other colonies reveal the same pattern. One Governor of Trinidad, for example, complained bitterly about the litigious nature of slave women--they were "the most prone to give offense." Trinidad's court records from 1824-1826 support the Governor's observation: almost twice as many women as men appeared before magistrates (Ferguson 1987:XI).

As others have suggested (Nader and Todd 1978; Merry 1990; Yngvesson 1985), powerlessness may have been a dimension of slave women's use of courts, but in voicing their complaints these women resisted the ideas that women should be reticent, subservient to men, and attentive to the conventions of class. Caribbean slave women took advantage of the fact that by the nineteenth century white men were less inclined to beat, dismember, or murder them than men. Gender ideology was therefore critical to the politics of inclusion in law.[7]

Finally, the St. Kitts evidence shows that slaves might achieve some of their goals in court. And this may not have been so unusual. In investigating other evidence of slaves' experiences in colonial courts in the U.S., I found that unless they murdered or raped whites, conspired to rebel, or committed crimes in the presence of white witnesses--actions for which punishment was

[7] My findings accord with those of Fox-Genovese (1988), who examines gender conventions upheld by American slaveholding women and their female slaves in relation to the constructs of masculinity held by the men who dominated both of their lives. She gives examples of how American gender conventions protected slave women. For further discussion see Lazarus-Black 1994b:276.

almost inevitable--slaves could not have predicted the outcome of a trial. Charges were often dropped or reduced for lack of evidence; sometimes they were found not guilty. For example, investigating slave trials from Virginia, Schwarz found conviction rates fluctuated widely, depending upon the crime and the local context. Of 751 slaves tried between 1706 and 1785, 42.7 percent were found not guilty (1988:ffn). Between 1786 and 1865, the conviction rate for slaves accused of crimes "against the system" was 100 percent, but it varied from 35 to 78 percent for crimes against property and between 44 and 100 percent for crimes against persons (ibid., 41-42).

In other words, slaves would have known that courts might offer them a way out of "trouble." I hypothesize that the predictability of masters' resort to legalities, combined with the lack of predictability of verdicts in all but a few kinds of cases, was critical to the development of the hegemonic force of the rule of law in slave societies. It also made the politics of inclusion worth the effort.

I turn next to a more contemporary example of the politics of inclusion. Today, as in the past, women find in the lower courts a venue for voicing their complaints about injustice and for claiming rights due them and their children. In this next example, we see how women in Antigua successfully prosecute parts of their cases, achieving some of the purposes for which they have turned to the court, while failing to accomplish others. To explain why the courts render some justice for women, but simultaneously preserve and protect the class and gender hierarchies that prevail in the wider social system, I have been developing a taxonomy of practices and processes that operate regularly in and around lower courts. I describe some of these practices with you today, and suggest that these influence fundamentally the politics of inclusion, because they often undermine the purposes of laws designed to protect women and children who are in need of financial and other support, while at other times securing for women the goals for which they have come to court. Bertice and Roger Jameson, whose trial for child custody and support I followed in 1994, illustrates three such practices. I have labeled these "intimidation,"

"euphemism," and "second chances," and I will define them shortly. I want to emphasize that they are not unique to the Jameson's story. In fact, quite the opposite is the case. Examples of intimidation, euphemism, and second chances occur regularly at the courthouse with oftentimes contradictory consequences for women and children. Nevertheless, the Jameson case also reveals why and how the courts are important to women as forums for resistance, enabling them to accomplish goals which lawmakers never imagined. And that is precisely why the politics of inclusion at the magistrate's court is so complex.

Most litigation in Antigua takes place at one of three magistrate's courts. Among other things, the magistrates hear traffic matters, minor civil suits, requests for liquor licenses, and certain family cases. Unmarried women, for example, use the magistrate's court to have men named legally as the fathers of their children and to obtain child support. Married women use the courts to request noncohabitation orders, child custody, and maintenance for themselves and their children.

In contrast to academic and conventional wisdom that holds women take men to court for purely economic reasons, my research reveals that Antiguan women take only certain fathers of their children to court--men who break the community norms that govern relationships between the sexes, and between parents and children. Lack of respect, lack of discretion, inattention, an unwillingness to share, and other unjust behaviors--these wrongs, rather than the possibility of attaining a small child support stipend--bring most Antiguan women to court. Maintenance cases enable women to shame in court those men who are quite capable of supporting their children, but who do not, and to embarrass others who fail to follow the code of conduct befitting a "big man" in Antigua. The courts, then, are used by women to protest a variety of inequities.

This finding is significant in part because of the character and organization of Antigua's gender and kinship systems. Gender hierarchy is pervasive, as it is elsewhere in the English-speaking Caribbean (see e.g. Douglass 1992; Senior 1991; Smith 1988; Sobo 1993). Although Antiguan

women work outside the home in increasing numbers, they remain behind the scenes in politics and public life. Husbands and "friends" rarely perform what is considered "women's work." And women, rather than men, have principal responsibility for children. Antiguans also tend to marry later in life, and the illegitimacy rate hovers at about 80 percent (Antigua and Barbuda, Statistical Yearbook, 1987:14). "Mothering" is highly valued in Antigua, but at the same time it is deemed "natural." It is work that is "unremarkable," involving costs that no one counts, and without many choices (see also Barrow 1986). In sharp contrast, and because many men do not live with their children, men choose when to visit, how much time to spend, and what constitutes adequate financial support. The case of Bertice and Roger Jameson, which I describe next, demonstrates how these gendered ideas and practices about parental behavior are played out in the court and in the later enforcement process.

Bertice Sheply married Roger Jameson, a police constable ten years her senior, right after she finished school. At first the couple was happy. They had two children. As the years passed, however, Mr. Jameson began drinking heavily and sometimes he became verbally and physically abusive. When he started staying out late at night, Mrs. Jameson suspected he had a "friend." She moved out permanently, however, only after repeated instances of violence. Roger stopped visiting and supporting the children almost immediately.

Mrs. Jameson did not take her husband to court for failing to provide child support. She went to see a lawyer only when Roger refused to sign papers that would allow her to secure a passport for their son. His signature was required by an antiquated Antiguan law that commands that married men sign those documents. She explained to me:

> It's not that I really need--You know, under normal circumstances I would have supported the children by myself. But because of the problems that I am having from him, you know, in order to do certain things. To take certain responsibilities, especially these forms that I have asked for him to get for the passport. And I don't think that is right.

Mrs. Jameson came to court as a last resort, but her action was an act of empowerment; the goal

was to secure a passport that would allow her and the children to take a vacation in the U. S. It is also relevant to my argument, however, that outside of court she was unable to make herself "heard." She exhausted several attempts to secure the baby's passport prior to turning to the court, including speaking to Roger's boss and having a lawyer send him a letter asking him to sign the forms. He refused.

At the first hearing of the case, which occurred before I arrived in Antigua, Mrs. Jameson's lawyer, Carlton Thames, had obtained interim orders for $30 E. C. per week for support for each child (about $11. U. S. or $66 TT). The first day I observed the case, Mr. Thames brought the matter back to court to ask about the passport papers, to discuss the fact that Mr. Jameson had not been paying support, and to request additional weekly maintenance. Mr. Jameson owed Mrs. Jameson $1,200 E. C. in unpaid child support ($450 U.S., $2,700 TT).

Mr. Jameson testified that he "bought things" for the children and had paid some school fees. He also complained that he was not being allowed to see his children. Roger's lawyer claimed that Roger had saved money for the children and could pay the maintenance he owed next week.

Bertice's lawyer agreed to accept the back support in a lump sum the following week. He then explained that Mrs. Jameson needed $150 E. C. per week to support the children. Mr. Jameson responded that he was prepared to provide $30 E. C. per week for each child--the same amount he was already ordered to pay but had not been paying. The magistrate heard evidence which convinced her that $150 E. C. per week was reasonable support. She asked Roger if he was prepared to pay half of that. Roger's lawyer explained he was unable to pay that much since he was heavily in debt and he had other "responsibilities." (This was a veiled reference to Roger's recently-born illegitimate child.) Interestingly, Roger's salary, the extent of his debt, and the "outside" child were never explicitly discussed in court. Instead, he suddenly offered to pay $40 for each child and she accepted.

Mr. Thames then asked the magistrate if she could please help them with the issue of the passport. The magistrate asked Mr. Jameson why he wouldn't sign the forms. Her question precipitated a monologue in which Roger claimed he would not sign papers for this child because he had not signed papers for the older child--who had a passport! The magistrate explained that he must have signed the forms and forgotten that he had. She gave him one week to familiarize himself with the law. The case was adjourned.

When the trial reconvened, the magistrate inquired if the defendant "had time to reflect on the signing of the passport." He responded: "Not as yet mam." The magistrate lost her patience; a phone call, she told him, would have gotten him the information he needed. She also admonished him about his lack of reason:

> You are a constable so you must have some level of intelligence as to what is happening here in court. Had it been someone who I believe cannot understand, I would be more tolerant. But that is not so. You need to sign the forms.
>
> There was a long pause. The court remained hushed. Then the magistrate said, "Yes sir?" Visibly shaking, Roger signed.

With that accomplished, the magistrate noted that Mr. Jameson had complained about not being allowed to see his children. She scolded Bertice for not allowing visitation. Bertice protested that Roger hardly ever came to visit and that when he did, it was often with a woman "friend" who taunted her from his car. The magistrate ignored the comment about the woman "friend," and pressed Bertice to allow Roger visitation rights every Saturday. After some protest, she consented.

The last issue was the matter of unpaid child support. Mr. Thames advised the court that Mr. Jameson had promised to pay his arrears this week but he had not done so. Nor had he paid for last week's child support. Roger told the court that he had to use that money, but that his sister in the States was going to cable money soon. The magistrate gave him yet another week to pay the

arrears, and until 4 p.m. to pay the $80.

I had to leave Antigua before Mrs. Jameson's final hearing, but we talked on the telephone. She told me first that the magistrate had awarded her custody of the children--a legal "victory" never challenged by Roger. Having custody and the baby's passport were most important to Bertice; they were the reasons for which she had come to court. With regard to maintenance, the final orders were the same as the interim orders: Roger was to pay $40 per week for each child. Bertice had collected the lump sum of arrears, but she did not expect regular weekly support. Bertice will thus be responsible, as women are, for a disproportionate share of child care and economic support. Ironically, and despite the instructions carefully written by the magistrate to allow Roger to visit his children on Saturdays, he had not been to see them once.

There are within the Jameson case three practices that I observed in Antiguan magistrate's courts that promote and protect prevailing class and gender hierarchies. Identifying these demonstrates how the relatively distinct social system of the courthouse is so powerfully influenced by, even as it influences, class and gender hierarchies. They also influence the symbolic and practical consequences of the politics of inclusion. I call the first practice "intimidation."

Intimidation involves creating an environment in which individuals feel that they cannot speak freely because the listener(s) hold(s) physical, social, psychological, or economic power over them. Let me emphasize that intimidation causes many Antiguan women to drop cases for maintenance. They may be intimidated or threatened by the fathers of their children, or intimidated by the staff at the courthouse, or even by the lawyer they went to see. There is little doubt, however, that Mr. Jameson signed the passport papers only under duress and because he was intimidated by the female magistrate who, in the presence of his fellow officers and others, accused him of being irrational. By herself, Mrs. Jameson was unable to compel her husband to sign the documents. Her case is an example of how women find in the court a forum for resistance to the domination they experience in everyday life. In this situation, the magistrate

saw the justice of Mrs. Jameson's request and helped her overcome the gender hierarchy that usually exists between husbands and wives. In some of her other decisions in the Jameson case, however, the magistrate conformed to prevailing norms which buttress gender hierarchy.

A second practice that occurred in the Jameson case, and which occurs regularly in lower courts, is euphemism. **Euphemism is the replacement of a word or words with others thought to be less blunt or harsh, and which makes certain practices vague and less subject to question. Euphemism is used by dominant groups to mask power and to conceal certain conditions and activities.** In Antiguan courts, magistrates become "Your Worship," lawyers are "learned friends," and police are "public servants." Such titles support the hierarchical relations that exist between the agents of the state and ordinary citizens. Euphemism was used in the Jameson case when Roger's lawyer claimed Roger could not afford to pay more weekly child support because he had other "responsibilities." Euphemism also allows certain Antiguan conflicts which are "really" about a regionally-identified practice known as "sharing a man" to be brought to court under charges such as "failure to keep the peace" or "annoying language." Olive Senior explains "sharing a man" this way:

> A significant number of women in the Caribbean are in "sharing relationships," that is, they knowingly or unknowingly share a man with whom they have a steady relationship with another woman....Children by the various women are frequently the outcome. Such sharing relationships exist at all levels...Sometimes these parallel families exist unknown to each other...others might be aware but turn a blind eye (1991:175-176).

Sharing a man is difficult; jealousy and frustration occur, and sometimes intimidation and violence (ibid.,175-179). Bertice referred to the practice and the suffering it causes when she mentioned in court that Roger visited her home with a woman in his car who taunted her. When these disputes escalate, "sharing a man" goes to court under the euphemism of "keeping the peace." Ironically, the man not only remains outside the case, he watches the state scold his women to behave themselves and command that they keep away from each other--as he prefers.

Finally, I observed in the Jameson case a practice I call "second chances." **Second Chances provides parents who are under court orders to pay child support with opportunities to postpone payments.** In Antigua, it works this way. After a magistrate makes an order for maintenance a man is always allowed to fall into arrears for some weeks. Then a summons is issued directing him to explain in court why he has failed to pay. If the man pays after receiving the summons, the case is marked "withdrawn" and the process starts all over again. If he ignores the summons, an arrest warrant is issued. It will be delivered to him by the police--eventually. The man must then pay the officer or go to jail. In short, a man's "first" second chance is the summons; his "second" second chance is the warrant. "Second chances" explains why Mr. Jameson could owe Mrs. Jameson so much money in unpaid child support.

To conclude, I have been concerned in this paper with trying to understand better the politics of inclusion; to grasp why, how, and with what consequences subordinated people claim rights and use opportunities for resistance afforded them by institutions which otherwise contribute to their everyday oppression. As we have seen, slaves embraced several forms of knowledge and power, and several different practices, to determine guilt and innocence among themselves. Such beliefs and practices were important to fashioning the meanings of "order" and "disorder" in the colonies. I have also argued, however, that scholars have missed the significance of the fact that formal law and colonial courts were also used by slaves. Although slaves' access to law and courts was limited, they claimed what rights they could. Using colonial courts, slaves extended the boundaries of their communities to incorporate the magistrate, the planter-adjudicator, and the system of social control these men represented. There is thus very early evidence in the historical record for the politics of inclusion in law. And we know from the St. Kitts records that women, and gender ideology, were critical to that political process.

Women who bring cases to magistrate's court in Antigua today also find themselves involved in the politics of inclusion. What does it mean to include yourself in law? At various points in the process, women are subjected to such things as intimidation and euphemism--practices which

mainly ensure their continued subordination. Women bringing cases for child support also encounter the phenomenon of "second chances" that reduces the pressure on men to pay support. The Jameson case shows how the law grants to men who are bound by court orders to pay child support some of the same options and privileges in parenting that they enjoy outside the court. As we have seen, Roger mostly paid child support in the amount and when he wanted to. And it is likely that he will continue to do so because of the phenomenon called "second chances." Thus the Jameson case reveals to us that which goes unnoticed most of the time; namely, an articulation of practices that re-enforce prevailing class and gender hierarchies.

But we have to consider too that in choosing to participate in the politics of inclusion Bertice undeniably attained some of her goals. Roger paid the lump sum of child support he owed her, she has legal custody of her children, and she obtained a passport for her child. It is vital that we understand that the passport was the "real reason" Bertice took Roger to court. In a very creative set of maneuvers, Bertice used a case for child support to ensure that she could travel. I imagine that none of the lawmakers who wrote the law for child support imagined that the statute would serve that purpose. But it strikes me that the history of a peoples' politics of inclusion is probably filled with such incidents. If my hypothesis is correct, it has interesting implications for the assumptions we make about why subordinated people turn to powerful institutions like courts. Bertice's story shows that the politics of inclusion involves multiple strategies and myriad goals, only some of which are visible to lawmakers. Members of the Antiguan Parliament gave Bertice the right to go to court for maintenance for her children. She seized that right, but other concerns were also on her mind. Once inside the court, she persuaded a magistrate to get her husband to sign the passport papers. Engaging the politics of inclusion, Bertice defined the terms of her own oppression--her husband's control of her movements--and used the court to regain her independence.

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